

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD D. GLAWSON,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-12199-MLW
	)	
ROBERT KEATON, et al.	)	
Defendants.	)	

MEMORANDUM AND ORDER

For the reasons stated below, plaintiff's Application to Proceed Without Prepayment of Fees is denied without prejudice to refileing with a copy of his certified prison account statement within forty-two (42) days of the date of this Memorandum and Order.

BACKGROUND

On October 15, 2004 plaintiff Richard D. Glawson, now incarcerated at the Souza Baranowski Correctional Center, submitted for filing his self-prepared, civil rights complaint accompanied by an Application to Proceed Without Prepayment of Fees and Affidavit ("Application"). The Application was accompanied by an inmate transaction report for the period beginning June 2, 2004 and ending August 2, 2004.

DISCUSSION

To proceed with an action in forma pauperis, a prisoner must complete an Application to Proceed Without Prepayment of Fees and Affidavit and return it to the court with a certified

copy of the prisoner's trust account statement showing the transactions for the previous six months. See 28 U.S.C. § 1915 (a)(1), (a)(2). The court then assesses, and when funds exist, collects from the plaintiff at the time the action is filed an initial partial filing fee of 20% of the average monthly deposits or the average monthly balance in the prisoner's trust account for the six-month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915 (b)(1).

Here, plaintiff submitted an Application to Proceed Without Prepayment of Fees as required under Section 1915(a)(1). Although plaintiff submitted a copy of an inmate transaction report, this report is for only a two month period. Plaintiff failed to provide the a six-month account statement as required by Section 1915(a)(2).

To enable this Court to calculate the amount, if any, that plaintiff must initially pay pursuant to Section 1915(b)(1), plaintiff must file a copy of his prison account statement for the six-month period preceding the filing of the complaint. Plaintiff will be granted additional time to do so.

#### ORDER

Based upon the foregoing, it is hereby

ORDERED, plaintiff's Application to Proceed Without Prepayment of Fees (Docket No. 1) is denied without prejudice to prejudice to refiling with a copy of his certified prison account statement within forty-two (42) days of the date of this Memorandum and Order; and it is further

ORDERED, if plaintiff wishes to proceed with this action, he shall file, within forty-two (42) days of the date of this Memorandum and Order, a new Application to Proceed Without Prepayment of Fees accompanied by a certified copy of his institutional account statement for the six-month period preceding the filing of the complaint. The Clerk shall send plaintiff an Application to Proceed Without Prepayment of Fees and Affidavit with this Order.

SO ORDERED.

Dated at Boston, Massachusetts, this 7th day of January, 2005.

/s/ Mark L. Wolf  
MARK L. WOLF  
UNITED STATES DISTRICT JUDGE